



Certificate of Mailing

I hereby certify that on November 11, 2005, this correspondence and any attachments are being deposited with the United States Postal Service as First Class Mail, postage pre-paid, in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Jennifer O. Gaines
Jennifer Gaines

PATENT

Atty. Docket No. 31045-101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
JOHN C. S. KOO

Serial No.: 10/613,741

Filed: July 3, 2003

For: SHOE HAVING A CONTOURED BOTTOM
WITH SMALL PARTICLES BONDED TO
THE LOWEST EXTENDING PORTIONS
THEREOF

Group Art Unit: 3728

Examiner: Stashick, Anthony D.

Conf. No. 3728

AMENDMENT/RESPONSE TO OFFICE ACTION

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Amendment/Response is filed in response to the Pre-Appeal Conference Decision, which was mailed on October 11, 2005, and which instructed that the appeal in the above-referenced application should proceed to the Board of Patent Appeals and Interferences. A Request for Continued Examination is being filed concurrently herewith.

<p>Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</p> <h1 style="margin: 0;">FEE TRANSMITTAL</h1> <p>for FY 2005</p>		<p>Complete If Known</p>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/613,741
		Filing Date	July 3, 2005
		First Named Inventor	John C. S. Koo
		Examiner Name	Stashick, Anthony D.
		Art Unit	3728
TOTAL AMOUNT OF PAYMENT		(\$)	350.00
		Attorney Docket No.	31045-101

METHOD OF PAYMENT (check all that apply)

☒ Check
 ☐ Credit Card
 ☐ Money Order
 ☐ None
 ☐ Other (please identify): _____

☒ Deposit Account
 Deposit Account Number: 13-3735
 Deposit Account Name: Mitchell Silberberg & Knupp

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below
 ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17
 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Small Entity Fee (\$)	Fee Paid (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims 36 - 20 or HP = 7 **Extra Claims** 7 **Fee (\$)** 350.00 **Fees Paid (\$)** 350.00
 HP = highest number of total claims paid for, if greater than 20

Indep. Claims 2 - 3 or HP = 0 **Extra Claims** 0 **Fee (\$)** 0 **Fees Paid (\$)** 0
 HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
<u>100</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount) _____

Other (e.g., late filing surcharge): _____

SUBMITTED BY			
Signature	/Joseph G. Swan/	Registration No. 41,338 (Attorney/Agent)	Telephone 310-312-2000
Name (Print/Type)	Joseph G. Swan	Date November 10, 2005	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.